D.B. CIVIL SPECIAL APPEAL(W)NO.219/2007

Rameshwari Devi
Vs.
Union of India & Anr.

Date of Order :: 19-07-2007

HON'BLE THE ACTING CHIEF JUSTICE SHRI J.M. PANCHAL
HON'BLE SHRI JUSTICE BHANWAROO KHAN

Mr. G.J. Gupta, for the appellant.

What is challenged in the instant appeal filed under Section 18 of the Rajasthan High Court Ordinance is the order dated January 5, 2007 rendered by the learned Single Judge in SBCWP no.2413/2001 by which the proceedings pending before the Labour Court have been stayed as question whether the labour court was justified in not permitting the respondent to amend the statement of claim submitted before the labour court is to be considered in the petition filed by the respondent.

This Court has heard Mr. G.J. Gupta, learned counsel for the appellant. The vacation of stay order granted by the learned Single Judge at this stage is likely to create complications because if ultimately the petition filed by the respondent is accepted, the further proceedings which may take place by vacation of the stay order would result into exercise in futility.

Under the circumstances, the appeal cannot be entertained and is liable to be dismissed. However, it is clarified, it would be open to the appellant to file appropriate application requesting the court concerned to give priority in hearing of SBCWP no.2413/2001.

Subject to above-referred to clarification, the appeal fails and is summarily dismissed.

[BHANWAROO KHAN],J. [J.M.PANCHAL],ACTG.CJ.

Praveen